

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	18-CR-384 (VEC)
	:	
WINTON DELORBE-LUNA,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on September 26, 2019, Winton Delorbe-Luna (“Defendant”) was sentenced principally to a term of imprisonment of ten years, *see* Judgment, Dkt. 38;

WHEREAS on December 1, 2023, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 62, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on December 19, 2023, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 63; and

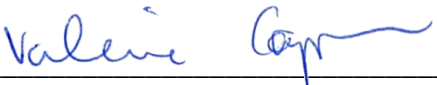
WHEREAS the Court has considered the record in this case;

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because Defendant was sentenced to the mandatory minimum term of imprisonment. *See* 21 U.S.C. § 841(b)(1)(A) (minimum term of imprisonment for conspiracy to distribute and possess with intent to distribute cocaine in the quantities involved here is ten years). Defendant’s motion is therefore DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 62, to mail a copy of this Order to Mr. Delorbe-Luna, and to note the mailing on the docket.

SO ORDERED.

Dated: December 20, 2023
New York, NY



VALERIE CAPRONI
United States District Judge